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ABSTRACT

In this monograph, the author summarizes the findings of a seminar on collective negotiation that was conducted by representatives of several countries. The report (1) examines the ideas contributed that concern the roles of the different social partners; (2) discusses the structure of collective bargaining at the international, interindustry, industry, or firm levels; (3) examines the various matters that may be negotiated -- including rules of form, working conditions, and wages; and (4) sums up the major conclusions drawn and the recommendations made for improving the effectiveness of collective bargaining. A list of seminar participants is appended. (JF)

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INTERNATIONAL SEMINARS 1971-1

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RECENT TRENDS IN COLLECTIVE BARGAINING

INTERNATIONAL MANAGEMENT SEMINAR

Castelfusano, 21st-24th September, 1971

FINAL REPORT

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ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Manpower and Social Affairs Directorate

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FOREWORD

Successful collective bargaining can make a valuable contribution to good industrial relations and hence towards the smooth and efficient operation of industry that is so vital to continued economic growth.

During the past decade, and under the influence of technical, economic and social changes, the traditional patterns of collective bargaining have been changing and are being supplemented by newly emerging types of relationship between unions and management. Some of these changes in the industrial relations system are confined to the area of collective bargaining. Other changes, such as the development of new and continuous labour-management relationships of a co-operative problem-solving nature, which belong to the non-bargaining areas in the industrial relations system, cannot be separated from a discussion of new trends in collective bargaining.

In September 1971, the O.E.C.D. brought together at Castelfusano (Italy) about a hundred leading representatives of management from the Member countries in a seminar under the chairmanship of Dr. Fulvio Bracco, Vice President of the Italian General Confederation of Industry, at which Professor Rampa, Under Secretary of State, and Mr. Falchi, Chairman of the Manpower and Social Affairs Committee of O.E.C.D. were present.

The programme of the seminar was as follows:

Collective bargaining in perspective;
An analysis of some characteristic national situations;
A study of the new aims, levels and methods of collective bargaining;
An analysis of the implications for employers of these new trends.

The following text contains a summary report of the findings of the seminar by Professor Pierre Candau of the University of Aix-en-Provence (France), together with a list of participants

and the table of contents of the supplement to this report, issued separately, reproducing the text of the reports prepared for discussion at the seminar.

The views expressed in this report are those of the author and do not involve the responsibility of the O.E.C.D.

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FINAL REPORT

by

Pierre Candau

Introduction(1)

THE NATURE OF COLLECTIVE BARGAINING

Collective bargaining is a democratic way of settling disputes

In the pluralistic societies which are at present typical of industrially advanced countries, collective bargaining is one of the essential means of fixing workers' terms of employment, their wages as understood in the broad sense and the rules governing the conduct of the parties. Thus, a pluralistic society contains "many related but separate interests and objectives which must be maintained in some kind of equilibrium"(2). The problem is therefore to guide and balance the activities of the component parts of society so as to allow the different groups the maximum freedom of association and action compatible with the general interests of society as seen, with the support of public opinion, by those who are responsible for governing it.

As was stressed during the Seminar, there are necessarily causes of conflict in every society and in every organisation which are due to the very existence of that society or organisation, whether these be conflicts between the social classes, between economic groups, between ideological groups or between groups of interests. Some participants at the Seminar pointed out that collective bargaining was in essence conflictual and that the final result of such bargaining could only be regarded as a kind of armistice. Others, on the contrary, observed that collective bargaining could be regarded as having two facets: conflict and co-operation. In this view, collective bargaining is a means of integration since it enables workers to take part through their representatives in the decision-making which will

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1) The author of the present report wishes to point out that he has no intention of reporting all the opinions expressed at the Seminar nor of formulating a new theory of industrial relations, but has merely endeavoured to give an objective summary of what he regards as the essentials. Wherever possible, the author's own ideas have been noted as such.

2) N.S. ROSS in "Human Relations and Modern Management", Editor E.M. HUGH-JONES, North Holland Publishing Co., 1958, page 121, quoted in the Mulvey Report.

shape their future. From another angle, collective bargaining enables employers to get their aims accepted by the workers at the cost of a number of concessions.

However, participants pointed out that collective bargaining is not simply a means of settlement but also affords the opportunity of exercising power in order to achieve an objective. Collective bargaining cannot therefore be regarded as a zero-sum game: even if the immediate objective is obtained at the cost of the other party, in time the benefits obtained for each party at the cost of the other must be limited if the system is to remain viable. It may certainly happen, as Professor Roberts pointed out, that one of the two partners is prepared to press his offensive so far as to destroy the other because of a conscious policy choice. This was the case in the United States for John Lewis and his Mineworkers' Union which obliged certain enterprises to close down in order to reduce price competition and enable the more efficient and monopolistic undertakings to pay a smaller number of employees substantially higher wages. Management may also be similarly motivated. However, in the majority of cases, the social partners reach a compromise.

Collective bargaining is a continuous process

But it should not be thought, as some participants pointed out, that agreements put an end to all forms of bargaining. The present author also thinks that the process of bargaining is continuous. The collective agreement does, of course, resemble an armistice or a peace treaty, which means that employers offer the Unions a number of benefits in exchange for a certain period of industrial peace. On the other side, one theory put forward during the Seminar maintains that the written agreement resulting from collective bargaining may be no longer contractual, i.e. creating obligations, but may merely reflect the state of development of industrial relations at a given moment. It is then only a process of verification permitting the social partners to measure their power. France might serve as an illustration of this theory, subject to certain reservations, since collective agreements do not prevent the benefits negotiated from being put in issue again. Some speakers, on the contrary, stressed the importance of the distinction made between questions of interest and questions of right. Once collective bargaining has resulted in an agreement, strikes or lockouts are

no longer recognised as acceptable means for settling any opposition between the parties during the life of the agreement. The only issues allowed concern points of interpretation of the clauses of the collective agreement. In point of fact, in the United Kingdom, the collective agreement is not usually regarded as a binding contract and no distinction exists between questions of right and questions of interest.

Collective bargaining is also usually a continuous process which must be regarded as a whole, since side by side with the bargaining specifically focused on working conditions and pay, there is also informal collective bargaining through official or de facto institutions.

In official collective bargaining, a number of procedures have been adopted by certain countries, such as for example Norway, which tend to facilitate the bargaining process and its conclusion in order to prevent too much emphasis being put on the conflict between employers and unions. Co-operation boards were set up in Norway under certain agreements whose task was to note the points on which no disagreement existed. A distinction is thus made between the common interests of employers and employees and their conflicting interests. The Donovan Commission in the United Kingdom emphasized the apparent paradox of only allowing matters to be discussed which related to conflicting interests.

Bargaining and consultation

It is then difficult to set a boundary between bargaining and consultation. In the United States, the word "consultation" does not form part of the terminology used by trade unions and employers. Thus, the legislation obliges the parties concerned to negotiate all matters relating to wages, hours of work and working conditions, but does not demand that an agreement be signed. Only an effort of good faith to reach an agreement is required, and the putting into writing of any agreement reached, at least if one of the two parties asks for this to be done. This raises the question of the frontiers in collective bargaining. Does collective bargaining stop when arbitration begins? A rapporteur mentioned the example of the transportation industry in the United States where disputes have been of such concern to the Administration that new legislation has been submitted under which a panel of arbitrators could be appointed which would select the last best offer and impose it on the parties (Day Report).

This is a substitute for collective bargaining which Congress does not seem prepared to accept aside from special situations and public employment. On the other hand, the author of the same report regards arbitration during the life of an agreement in order to resolve carefully defined disputes as belonging to the field of collective bargaining.

In advanced industrialised countries, collective bargaining is one of the essential ways of fixing the rules and norms which apply to industrial relations. But, as was pointed out during the Seminar, collective bargaining as a process of creating rules and norms is not the only means of establishing labour regulations on matters of form or substance.

Collective bargaining and the industrial relations system

Thus, the State may impose the framework of discussion or even oblige the social partners to adopt certain discussion procedures or norms which it has itself laid down. The employers on the one side, and the trade unions more rarely on the other, may also impose unilateral decisions. Taking the definition of collective bargaining offered by Kornhauser, Dubin and Ross(1), it is "the social process that provides a common framework within which management and worker views of the disputed matters that lead to industrial disorder can be considered with the aim of eliminating the causes of the disorder". Collective bargaining is thus an element in a broader system of industrial relations where the roles of the different social partners are more or less well-defined, where the bargaining levels and their inter-relationships are specified and where, lastly, the content or object of collective bargaining is determined beforehand. Industrial relations apply to open socio-technical systems involving a certain interdependence with external factors such as technology, economic conditions, ideologies and social conditions as broadly understood.

When speaking of an industrial relations system, the author of this report thinks that it might be useful, with a view to clarifying the explanations given during the Seminar, to use systems theory in order to express diagrammatically the degrees of interdependence between the different factors. This may help to show the reason for the role and varying importance of

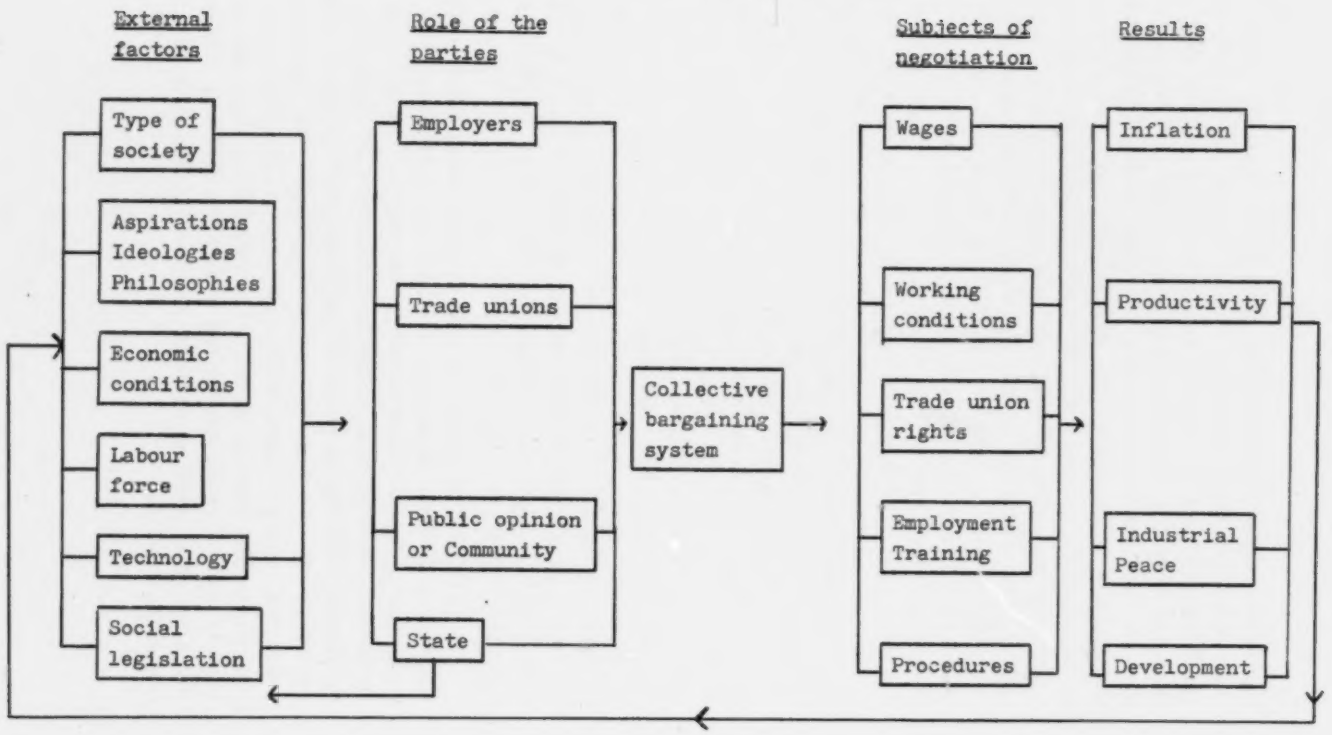
1) A. KORNHAUSER, R. DUBIN and A.M. ROSS: "Industrial Conflict", McGraw-Hill, 1954, page 44.

collective bargaining from one country to another. Table 1 shows how these different economic, social and technological variables are inter-related in a given society. This society is not isolated from the international context and liaison exists through economic movements and the flow of ideas propagated from one country to another. The influence of multinational companies is also apparent here. All of these factors affect the system of industrial relations prevailing in a given country. In this system, the different social partners have varying degrees of power and specific targets and can negotiate the rules of collective bargaining at different levels, i.e. the rules of the game which the parties concerned will have to comply with in the future. Lastly, theoretically within this bargaining framework, the social partners will fix the rules of substance applying to the different levels of remuneration, working conditions, security of employment, fringe benefits, profit-sharing, the forms of wage payment, wage-indexing to the cost of living, etc. All these are the results of collective bargaining and they will in their turn affect economic and social conditions, as well as perhaps ideologies and the organisational structure of firms in the society concerned. We thus obtain an integrated system which explains the scope and interdependence of the various contributory factors. Although this was not so formally stated during the Seminar, the author of this report thought it would be useful here to set a conceptual framework into which the various opinions expressed could be fitted.

Part I will therefore examine the ideas expressed concerning the industrial relations system, i.e. concerning the role which participants endeavoured to define for the different social partners. Part II will study the structure of collective bargaining and the problems of inter-connection which arise in this respect. In Part III, we shall examine the various matters which may be negotiated, including both rules of form and working conditions and wages. Lastly, the Conclusion will sum up the main trends observed during the Seminar concerning collective bargaining, as well as certain recommendations made for improving its effectiveness.

Table 1

FLOWSHEET OF THE INDUSTRIAL RELATIONS SYSTEM



Part I

THE INDUSTRIAL RELATIONS SYSTEM: DEFINITION OF THE ROLES OF THE SOCIAL PARTNERS

What system of industrial relations do we want? This was the question asked at the beginning of the Seminar and the answers given varied a great deal. Some participants went so far as to deny the State the role of social partner in collective bargaining and even in the industrial relations system. However, there seems to have been some agreement concerning the presence of three poles of decision: employers, the workers' unions and the State. Their respective roles were considered during the Seminar and are discussed here in turn.

THE EMPLOYERS' ROLE

The employers' role was envisaged by participants at two different levels: the level of the firm and the level of the employers' associations.

a) Changes in management methods

As far as the firm is concerned, a change has taken place in management methods which has itself entailed or might entail a change in industrial relations. The question of management prerogatives, which are also called management functions, was mentioned in this connection. Considerable changes have taken place over the past ten years in the field of management functions. Enterprise decision-making goes through an increasing number of highly qualified staff whose powers are limited by the growing complexity of administering the organisation, and who have to innovate and adopt new techniques and methods so that the firm can remain competitive. It was also noted that the new definition of management functions is accompanied by a new role for the staff responsible for industrial relations in the firm. Thus, it was noted that in the United States there were several opinions concerning this role. Some were in favour of the person responsible for industrial relations becoming in a way the trade unions' advocate in their dealings with the management, while

others thought that all he had to do was apply the employer's policy strictly and that he should only be responsible for convincing and even vanquishing the trade unions; others again thought that he should be regarded as a third force: i.e., as an arbitrator within the firm who is responsible for guiding its management in accordance with norms pre-established by experts. One of the rapporteurs thought that this industrial relations expert could only really operate efficiently if his duties were regarded as a permanent, constructive element fully integrated with all other management activities. According to this rapporteur, the industrial relations officer must be familiar with the forces operating between the workers and their Unions and explain this situation to the firm's senior staff so that they pay all due heed to social problems when preparing their policy and decisions. Lastly, he should negotiate with the workers and their Unions with a view to helping the firm attain its objectives. Professor Roberts raised the question in this connection of whether it was not now necessary to consider amending the structure of industrial relations within the firm so as to leave more room for workers' participation in managerial decisions. Such participation might be direct through trade union representation on boards of management (following the example of the Supervisory Board or through joint management along German lines). Other forms of industrial democracy were mentioned such as the Scott Bader Commonwealth or the John Lewis Partnership in the United Kingdom. Lastly, participation at shop level was also mentioned in association with the ideas of Frederick Herzberg and the Tavistock Institute of Human Relations. Other experiments such as those carried out in Norway under the direction of Einar Thorsrud and in I.C.I. plants in the United Kingdom were quoted (Roberts report). One of the trends generally noted concerned the workers' claim to be associated with decisions affecting them at shop level. One rapporteur thought that when the conditions of an economic democracy had been achieved thanks to improvements in wages and to workers' capital formation, the democratic aspects of worker participation would take on a new importance, and in Japan, for example, questions such as participation in the control of motivation and "zero defect" and "quality control" campaigns would come to the fore in the discussions of the joint committees or councils. This trend was also observed in Sweden. A rapporteur said that in 1966 an

agreement had been signed between the employers' associations and the trade unions to promote co-operation between management and employees and had resulted in the creation of a development council for questions of co-operation. However, an opinion was expressed concerning workers' desire for control, not over the firm but over their own work alone. The new role played by senior staff in the firm, and especially by the industrial relations expert, seemed therefore to be part of a new general trend whose effects will be felt at employers' association level.

It was pointed out that the great variety of opinions emanating from the employers' ranks facilitated government action in that it allowed a government elbow room to decide what it wanted and therefore diminished any impact that employers might have.

b) Functions of employers' associations

The question was then put as to what could be the functions of the employers' associations. It was first noted that employers are generally represented by a single association. In Germany, employers have set up trade groups most of which have sections at regional level: these employers' associations are united in the German Federation of Employers' Associations (B.D.A.), which covers about 90 per cent of establishments, employing 95 per cent of all employees. In Japan, the Japanese Confederation of Employers provides liaison between employers, collects and exchanges information, and carries out public relations activities but cannot impose any mediation on its member organisations and firms. The same situation existed in France at one time, but the way problems have evolved and the encouragement from the public authorities have helped to develop bargaining at central level, and this has entailed a change in the status of the employers' associations.

This question will be referred to again when we consider the structure of collective bargaining and the inter-relationships between its various levels. Emphasis should first be laid on the problems of liaison between employers' associations in the private and public sectors: the example given from Italy has demonstrated the difficulties of co-ordination between associations.

Some thought was given during the Seminar to the need for more powerful regional associations, e.g. in the United Kingdom,

through a change in the bargaining systems which could give more powers to the employers' associations. The variety of situations recorded prevents this from being regarded as a definite tendency in collective bargaining. However, one rapporteur noted that the wider and more complicated the field of collective bargaining, the more carefully employers have to consider the way in which the associations representing them shall operate. Employers should, according to one rapporteur, maintain very close liaison between their own experts and the associations representing them through appropriate machinery in order to provide the associations with all the necessary skills for the work they have to carry out. However, it should be noted that this observation comes from a rapporteur representing a country where individual firm bargaining is the rule and bargaining by branch the exception. Although the matter was not raised by other rapporteurs, this is nonetheless a problem which deserves to be put, whatever degree of freedom in bargaining firms may have.

THE ROLE OF THE STATE

The freedom of collective bargaining was very often mentioned during the discussions. The autonomy of the social partners was regarded as an extremely important factor in collective bargaining: one rapporteur said that "in the interests of our democratic freedom, we must maintain the free operation of collective bargaining". The same observer added that "collective bargaining was not in his opinion a tripartite procedure". The author of this report thinks, however, that the autonomy of the social partners is a complex concept comprising a certain number of degrees. Total absence of intervention by the public authorities was not reported for any of the countries which were the subject of reports or discussion during the Seminar.

As one rapporteur noted, moreover, the tendency in most countries for Governments to consider or apply new forms of intervention in the process of collective bargaining must be accepted as a fact whether one liked it or not. However, participants in general thought that the State had a many-sided role and that in some situations the functions devolving on the State should be restricted. The role of the State in collective bargaining is threefold: it is first of all an employer and on this footing negotiates with the trade unions in the public sector in order to fix wages and working conditions; it exercises

a macro-economic activity through various policies and creates or can create a favourable economic climate; it establishes an effective legal framework for collective bargaining either through legislation or regulations. In addition, it can intervene directly in the actual process of bargaining in a formal way, i.e. officially, and informally, i.e. unofficially.

a) The State as employer

The role of the State as employer was mentioned in connection with national employment policy but also because of the consequences which the results of bargaining with the Unions in public sector may have for bargaining in the private sector. The question then arises of the inter-connection of the results of bargaining between the public and private sectors. In a country such as France, the public authorities have developed a "concerted" social policy in the public sector and the civil service. This policy has been reflected since 1968 in important agreements with the trade unions in State enterprises and for certain categories of personnel in the civil service. The "progress contracts" signed in the State enterprises, the first of which with Electricité de France dates from the end of 1969, contain certain clauses regarding increased purchasing power which have been taken up in the contracts signed in the private sector. But the difficulty of applying some of these agreements has sometimes cast doubts on their worth.

The rapid unionisation of civil servants is a problem in some countries as well as the degree of experience of government representatives in bargaining with trade unions in the public sector. It was noted, in the United States for example, that the inexperience of some negotiators resulted in very expensive wage agreements which might have some incidence on current or future bargaining in the private sector. In view of this situation, some participants went so far as to say that the State should not fix the wages of its servants. It was pointed out that there was a danger of conflict being propagated from the public sector to the private sector; for example, in Sweden, civil service strikes in 1971, mainly in teaching, were met by the State with a lock-out affecting 28,000. However, some time later, the State, as employer, gave a warning of a lock-out to 3,000 civil servants and on the day when the lock-out was due to come into effect the Government intervened, as the national authority, with a Bill for obliging the employees to resume work. This Bill was eventually

passed by Parliament. The State as supreme authority therefore intervened side by side with the State as employer against certain categories of employees through legislation on strikes and lock-outs likely to endanger the essential interests of the community. This legislation gave the Government the right in the event of a strike or lock-out to decree that the latest collective agreements were to remain in force.

b) The macro-economic role of the State

The State has to help maintain a favourable economic climate and it implements this responsibility through various policies such as incomes policy or, more specifically, a full employment policy, an anti-inflationary policy, a monetary and fiscal policy, etc. It was noted that national prices and incomes policies have not succeeded in preventing inflation in any country. It was even asserted that by keeping pay claims in check for a certain time, incomes policy had contributed towards inflation since they exploded after this period and wages went up to higher levels than would have been the case in the absence of such a policy. In spite of this, the Rapporteur concerned said that a country like Japan contemplated introducing an incomes policy because of the dangers of a price/wage spiral.

At the end of the discussion, a Rapporteur pointed out that incomes policies were introduced in order to establish equilibrium between general economic targets and collective bargaining. Such equilibrium required that incomes policies be developed as part of a vaster, economically sound and convincing policy. Unfortunately, this had not always been the case and the same Rapporteur observed that the partners in collective bargaining were very often obliged to make up for the errors of an inefficient economic policy.

However, although it was generally argued in the Seminar that the main causes of inflation lay in the often exaggerated pay claims made by trade unions or workers, it was also said that they might correspond to the weakening of the employers' will to resist such claims. Reasons were put forward in explanation of this behaviour such as that managers did not themselves own the capital and that an increased capital ratio made stoppages more and more expensive. The oligopolistic situation of a large number of firms explained why they could pass higher wage costs on to prices. The question was also put,

whether a centralised collective bargaining procedure would not facilitate an efficient incomes policy since there would be few decision-making centres. It would therefore be easier in theory to reach an agreement on wage increases. However, the collective bargaining system automatically entailed an inflationary rise in average wages since productivity improvements gave rise to wage claims not only in the industries or firms where they occurred but in other, lower-productivity, industries which wanted comparable pay (Roberts Report).

In fact, it was also asked during the Seminar whether a demand policy would not have been more effective. But it seemed (Roberts Report) that full employment policies are becoming fundamental and that general unemployment must now reach a very high level for the trade unions to abstain from demanding grossly inflated wage increases: for example, it was unlikely that wage increases could be held down to 5 or 6 per cent in the United Kingdom with less than 6 or 7 per cent unemployed. Since unemployment at this high level was politically intolerable, it would seem that the rate of unemployment could not with impunity be pushed above 3 per cent.

Lastly, a third alternative consisting in severely taxing any increase in average wages above a norm based upon the average rate of economic growth has been experimented with in Hungary, but never in the rest of Europe or in North America. This is no doubt why the participants at the present Seminar did not broach this point.

c) State establishment of a legal framework for collective bargaining

It was stated during the Seminar that the State had not only to be the guardian of social peace but also the instigator of collective bargaining. These two functions could no doubt be accomplished by establishing an effective legal framework. The State intervenes, by issuing texts having varying degrees of binding force, to encourage collective bargaining, to compel the social partners to negotiate, and lastly to settle any disputes.

1. Bargaining rights

Thus, the law may recognise the social partners' bargaining rights and sanction them. The British Industrial Relations Act lays down procedures whereby the trade unions may enjoy

bargaining rights. These rights may be sanctioned by law if the majority of workers are in favour. When an employer agrees that a trade union or several trade unions combined have the right to act on behalf of a group of workers, this employer and the unions may decide, as stipulated in the Act, to set up an agency shop. These measures resemble those existing in the United States, where Federal legislation obliges the social partners to negotiate in all good faith. Like some other countries, the Federal Government in Canada has submitted a Bill which obliges an employer to negotiate, even during the period of application of the agreement, concerning any technological changes: the sanction provided consists in legal recognition of a strike, which is an extremely important change from previous practice when strikes occurring during the life of the agreement were regarded as illegal. In other countries, the legislation also makes bargaining compulsory on certain points: thus, in France, the legislation on workers' participation in the fruits of firms' expansion (Order of 17th August, 1967) obliges "the firms concerned on pain of penalties" to enter into agreements fixing the terms on which the Order shall be applied. The legislation may even go further and oblige the social partners to negotiate compulsorily on a number of points: in France, the Act of 11th February, 1950 obliged the social partners to negotiate on certain specific points so that any collective agreement which they signed could be extended and given legislative force for the entire trade.

A distinction should therefore be made between State action to encourage bargaining by establishing an efficient legal framework and recognising the social partners' bargaining rights (i.e. by setting the conditions for preparing agreements) and State action to fix the content of working conditions. The first category might include the obligation imposed by the State for an exchange of information before bargaining which woul make the latter easier. For instance, reference was made to several attempts in the United States to improve the bargaining procedure by systems of exchanges of information of the Round Table type. But this procedure did not seem to have yielded particularly interesting results so far. In France, many prior information procedures had been made compulsory by law, especially in the field of employment. The Act of 27th December, 1968 on the pursuit of trade union activity in France gave trade union

representatives in firms rights in fields of action that had previously been forbidden such as the posting-up of union notices, the distribution of leaflets and newspapers, the collection of subscriptions and the right to hold meetings.

2. Dispute settlement procedures

Lastly, the State helps prepare dispute settlement procedures such as mediation, arbitration or conciliation. These procedures are not used to the same extent in the various countries discussed or reported on during the Seminar. For instance, in France, agreed conciliation procedures are frequently used, while mediation and arbitration are neglected in favour of much more informal methods of settling collective disputes. In the United States, arbitration is still unused, while mediation and conciliation through the Federal Mediation and Conciliation Service seem to play an important role. In Japan, the legislation stipulates that labour disputes must be settled by conciliation, mediation or arbitration: in some sectors, such as the private railways, the obligation imposed on employers to request permission to raise their tariffs brings collective bargaining to an impasse from which it can usually escape only through conciliation or mediation. This conciliation or mediation is carried out by a Central Labour Relations Commission. In the public sector, where collective bargaining cannot be completely independent, the managers of State enterprises have adopted the habit of requesting the mediation or arbitration of the State Enterprise Labour Relations Commission. When negotiations are difficult, dispute settlement procedures have therefore become normal stages in collective bargaining. The Industrial Relations Act in the United Kingdom lays much more emphasis on conciliation than on the legal channels. The author of the report on the United Kingdom thought that relatively few disputes would be brought before the labour courts and that the great majority of grievances would be settled by the conciliation officers of the Department of Employment. In Sweden, the parties are provided with mediators by the State in order to settle disputes, and in some cases the Government may appoint arbitration commissions whose task is in effect essentially to conciliate the parties. In Germany, contractual recourse to conciliation has been facilitated by the institutionalisation of procedure. The State is called on to play the part of arbitrator whenever a wage dispute reaches a critical stage. In Italy

(Zangari Report), there are two types of procedure for conciliation and arbitration, established under collective agreements and the legislation, respectively. However, this competition between procedures mainly occurs in respect of individual disputes, such as in the case of the dismissal of a worker. But it was noted in the same report that after the 1970 Act on the Status of Workers the dismissed employee tended to turn to the State judge rather than to arbitration.

The present author therefore thinks that there are two main types of conciliation and arbitration procedure. The first is contractual as in Germany, where the decisions of the conciliation or arbitration bodies have binding force, even in the courts. These decisions over-ride conciliation by the public authorities, which is in any case only still practised in the Rhineland-Palatinate province, where it is not a compulsory procedure. Contractual recourse to conciliation is extremely important should wage negotiations fail, since an institutionalised conciliation procedure exists during the pause for thought which normally precedes a strike. If this conciliation fails and the conflict cannot be avoided, the latter will, at least in Germany, be governed by certain fundamental principles of case law.

Side by side with this contractual type of conciliation, there is another which is this time organised by the State. It was questioned during the Seminar whether the settlement of disputes under procedures introduced by the State was still a part of collective bargaining and did not on the contrary constitute State interference in the contractual process. In support of this argument, some Rapporteurs referred to the example of the Bills submitted to each of the last two Congresses by President Nixon for the purpose of giving the American Administration broader powers to settle disputes in the transportation industry. Several alternatives were provided, including the possibility for the President to appoint a panel of arbitrators to choose between the last offers of the two parties. The arbitrators would then have no power to compromise and would have to select the best last offer and impose it on the parties (Day Report). According to the same Rapporteur, this is no longer a case of bargaining but of last-offer selection, a special form of final arbitration. However, some Rapporteurs did not go

so far as this in their conclusions and agreed that mediation, arbitration and conciliation procedures introduced by the State could be an extension of collective bargaining.

d) Direct State intervention in the bargaining process

The statements made during the Seminar appear to show that the importance of pressure from the authorities in collective bargaining is increasing in most countries. In some cases, this pressure is not always in a positive direction and tends sometimes to hold up or discourage bargaining or certain types of bargaining. Such State intervention may be official or else come within the term pressure, i.e. adopt an unofficial form.

In the event of disputes in certain industries regarded as essential, the State may intervene in order to demand that work be resumed; this may be done through the Courts, as is the case in the United States, where the President is authorised to move for a return to work for eighty days while further efforts are made to resolve the dispute. This power has been used only 29 times in United States history (Day Report), and in 10 of these cases for longshore or maritime industries, and has not in any event been used since 1968. The State may also force the parties to accept the terms of a contract: in 1967, as a result of special circumstances (need to provide a public service, apparent impossibility of reaching an agreement), the American railroads were obliged to accept the terms of a contract under special act of Congress. Again in the United States, it has been estimated that Presidents of the United States were closely involved in 13 of the 21 major negotiations conducted by the American steel industry. Similarly, it was noted that in Italy the State intervenes when collective bargaining stops in order to persuade the social partners to resume negotiations. In France, in 1970, the Government gave the social partners every encouragement by means of a recommendation procedure to negotiate on staff status for workers. It should be noted that in some cases the State may encourage bargaining not only by granting a new benefit but by extending this benefit to industries other than those to which it had so far applied. This was the case in France, where in 1967 the Prime Minister sent a letter to the employers' and workers' confederations in order to persuade these organisations to adopt, by contract, measures providing additional guarantees for personnel under threat of mass

redundancy or dismissal as a result of the restructuring of firms. This recommendation came immediately after the signature of a collective agreement in the iron and steel industry in the East of France which had adopted a number of measures concerning such matters as the creation of joint employment commissions, the improvement of guaranteed resources for the unemployed, the establishment of an information period in the event of mass redundancy, etc.

The State does not merely encourage official bargaining but exercises unofficial pressure in order to bend collective bargaining in the direction it desires. For instance, the Government may threaten to suspend orders, in order to restrain the rise in negotiated wages, as was the case in the United States in 1971, when the President suspended the Davis-Bacon Act which binds the Federal Government to pay whatever is negotiated for the construction work it underwrites (Day Report). In 1963, the public authorities in France were able to persuade firms to limit wage increases under the threat, sometimes put into effect, of price control or the suspension of public ordering. In the United Kingdom, it was observed that employers in 176 firms each employing over 5,000 workers took the initiative of not increasing prices by more than 5 per cent during a 12-month period beginning in August 1971 in order to avoid price and wage control and in the absence of any possible agreement with the trade unions. The very existence of the threat of control may therefore suffice to persuade employers to adopt certain measures.

State action is of course motivated by what was referred to during the Seminar as the public interest. It may well be, as the author of the present report thinks, that the State is now no longer a separate entity but rather one of the partners in the industrial relations system with its own aims and specific resources. Intervention by the public authorities is not independent of existing forces in the industrial relations system and especially of currents in public opinion which it endeavours to influence, as well as the ideas emanating from the employers' associations and workers' unions. The objective of winning public opinion and even votes at forthcoming elections may make the public authorities adopt a particular measure which goes against the interests of one of the social partners. Neither is State action neutral, since it creates new factors in the

development of the social situation. At the same time, when one of the social partners in the industrial relations system does not seem to have a coherent undivided opinion, the role of the State is facilitated and it can take that partner's place.

However, it was observed that in the United Kingdom the new Industrial Relations Act will make employers pay more heed to the problem of industrial relations and to improving the quality of their organisation.

THE ROLE OF THE WORKERS' UNIONS

Opinions concerning the role of the workers' unions showed that a great variety of views existed regarding the trade unions' powers and responsibilities.

a) Powers of the trade unions

The question was put as to what powers the trade unions should have. For some, the trade union movement is all the more moderate when the respective unions are powerful and representative, although this state of affairs will give rise to new problems such as, for example, competition between the various groups of employees. The example of Sweden was quoted where the manual worker group and the public sector employee group were at loggerheads during collective bargaining. The powers of the unions would then appear to be linked to the responsibility they should have towards their members but also to the nation as a whole. According to another opinion, the trade unions in some countries at least enjoy so much political and economic power, that it had been asked in the United States, for example, whether they should not be subjected to the anti-trust legislation. In the United Kingdom, the law gives the unions tax and legal benefits on condition that they are "registered": should this not be the case, they do not have access to the courts. Trade union opinion is divided on this point. But the unions' powers and responsibility are not independent of their internal organisation, nor of their ideology and the fact that a number of unions represent the same group of wage-earners.

Some rapporteurs thought that the new conditions of competition on the world market, the expansion of firms and the growing prosperity which workers will enjoy thanks to improvements in productivity, will lead to a re-orientation of their strategy with diminishing ideological preoccupations and, on the

contrary, a tendency to pursue more economic aims. However, the opposite tendency was observed in most countries, where the trade unions seem to have wanted to play the part of the agent of change in society. The unions cannot be independent of the major currents of ideas animating society. They are organisations and as such pursue objectives which may be different from those of their members. Internal conflicts could be connected with the degree of centralisation of decision-making. For example, it was noted that wildcat strikes are due to the dissatisfaction of the rank and file with the union's leaders. Such strikes may also be used or instigated for ideological or political ends, as one rapporteur pointed out. The presence of several trade unions with different ideologies representing the same workers and the problem of compulsory or voluntary membership of a union were regarded as important points affecting the unions' powers and responsibility. In this respect, the new Industrial Relations Act in the United Kingdom reveals an interesting position concerning the agency shops: the possibility of applying the "closed shop" clause will be ruled out since every worker will be obliged to pay a contribution to the union negotiating on behalf of the bargaining unit to which he belongs, but a worker will have the right not to join any union. The agreement creating the agency shop must be terminated after two years if a majority of the workers concerned vote against it (SWINDEN Report). This provision of the Act was criticised by participants, however, who felt that the right to join a union should not be regulated so precisely. Multi-union representation did not, according to certain participants, militate in favour of the assumption of responsibility since a tendency could be observed towards claims of a demogogic nature in certain countries where multi-union representation was the rule.

b) The various concepts of worker representation

The question was put during the Seminar whether the trade union as an organisation was the only possible form of worker representation. Two concepts came to light in this connection: the first was the single-channel theory and the other concerned multiple representation.

In the single-channel concept, trade union representation excludes any other form of dealings between employees and

employers. In the English speaking countries such as the United States, Canada or in some cases the United Kingdom, the single-channel theory is adopted for the bargaining unit, while the only possibility for other wage-earners and supervisory staff lies in direct contact with the management. In other countries such as Germany, Austria, the Netherlands, France and Italy, another concept prevails, that of the multiple line of communication and representation, through institutions whose members are elected by all staff such as the Workers Committee, Works Council or Shop Committee according to the country. These bodies enjoy legal powers which it was pointed out have been considerably extended over the last ten years. According to one rapporteur, there are three categories of works committee:

1. works committees whose role is essentially to take the place of the trade unions as in Federal Germany, where they cease to be a system of consultation properly so-called and are the embryo of a system of collective bargaining;

2. works committees which supplement the activity of the trade unions mainly in secondary tasks or which are closely connected with the activity of these unions; this is the case for the Scandinavian works committees which appear to have improved communication within the firm;

3. works committees whose task is to develop worker representation when the trade unions are too weak to do so through the bargaining machinery: in the case of the United Kingdom, the unions are trying to transform such voluntary consultative bodies as exist into bargaining bodies. It may well be asked whether these distinctions always correspond to the actual situation and whether consultation is not the primary form of bargaining. Some participants were in favour in any event of increasing the responsibility and duties of the works committees: they would constitute a means of integration, in particular through the improved circulation of information by consultation on certain points which would entail the information of employees. It was claimed in any case that increased responsibility for works committees

was one of the trends which could be predicted in future industrial relations. This point may be connected with the social peace obligation governing the matters which must or may be discussed by the works committees.

In point of fact, there are always two lines of communication in any organisation and especially in firms, one formal and the other informal. In the single-channel concept, this means that the formal system contains a single channel of communication between employees and management, but this in no way excludes direct contact. Occasions for conflict may be created where a trade union and a works council or committee exist side by side. One of the Rapporteurs observed that this was so in Italy and that disputes had arisen between the internal commissions and trade unions, which wanted to prevent the workers' representatives in these commissions from being too closely concerned with immediate enterprise objectives (though these were close to the workers, he added), and wanted to persuade the internal commissions to politicise their action. Double representation was therefore regarded as desirable by most participants, with the possibility of demarcation of the subject matter of bargaining. General subjects were or might be the responsibility of the trade unions, while special subjects were the responsibility of the workers. In this respect, participation experiments were referred to where the workers were given greater latitude to define their areas of responsibility. However, these were still only isolated experiments and it was difficult to conclude that this was a definite trend in industrial relations.

It was remarked that the trade unions should have a greater sense of social responsibility and that in some cases the State did not encourage this assumption of responsibility. For instance, it was observed that in the United States the Government helped the strikers by means of official aids: because of assistance to the destitute, workers on strike benefited from allowances or assistance in kind. Participants at the Seminar wanted a more even balance of power to be established in certain situations. But it seemed that the cases quoted were mainly secondary phenomena and the conclusion was that the problem was much more a matter of improving worker integration and participation in the firm.

Part II

STRUCTURE OF COLLECTIVE BARGAINING

The choice of a structure for collective bargaining, i.e. the choice of the different levels of negotiation, and the problems raised by their articulation depend on the strength of the social partners, their organisation and even the economic situation, but perhaps also on the subject of the bargaining. It is not therefore surprising that a great many different situations were observed during the Seminar concerning the structure of collective bargaining. Several levels may be distinguished: national inter-industry level, industry level, individual firm level and workshop level. And bargaining may also be established at the level of the multi-national companies, as well as at international level by branch of activity. There are problems of articulation between these different levels or again when intermediate stages are created such as in moving down from national level to regional level and then to group level, individual firm level or even workshop level. This is not merely a legal question of hierarchy between agreements but the problem of a scheme of collective bargaining affecting the industrial relations system. In order to see what the different bargaining schemes are, we shall have to consider the reasons for the choice of a particular level of bargaining and the problems arising as regards its co-ordination with other levels.

BARGAINING AT INTER-INDUSTRY LEVEL

A number of countries have experience of bargaining at inter-industry and national level. However, the agreements concerned do not have the same scope from one country to another. The inter-industry and confederal nature of certain negotiations may first be explained by the actual purpose of the agreement. For instance, in France, a national inter-industry agreement has been signed in order to introduce a joint supplementary retirement scheme for the purpose of providing wage-earners with an inter-industry guarantee, independently of whether they belonged

to a particular firm when their rights were acquired or liquidated. This is therefore a case of supplementing the official social security scheme without over-burdening it, while at the same time retaining its benefits as regards active rights.

The highly technical nature of the subjects chosen for bargaining at national and inter-industry level is not the only reason militating in favour of selecting this level of negotiation. The purpose of centralised bargaining, according to those who support this solution, is very often to avoid the wide dispersion of the results of any agreements that might be obtained, should negotiations take place at a lower level. In France, the Agreement of 21st February, 1968 between the Employers' Confederation and two Workers' Confederations made firms pay unemployment compensation, but some industries such as clothing were excluded from this agreement's field of application.

The choice of the national and inter-industry bargaining level therefore usually depends on the target set, which is either to avoid excesses at individual firm or industry level or the risk of State intervention. But agreements might simply be for the purpose of applying the Law or in order to persuade the State to grant specific aids. Centralised bargaining of the Swedish type, where the social partners meet at the highest level to work out a central agreement, may decide that only matters of principle should be discussed, and that the final solution could be prepared either during the contract's period of validity or by special committees which cut short central discussions and therefore save time. It is interesting to note, however, that centralised bargaining seems to have lost its importance in most countries represented at this Seminar. But this movement may go hand in hand with co-ordination at that level: for example, in Japan, during each "Spring wage offensive" the unions act together in the preparation and presentation of their pay claims, but the latter are presented at individual firm level. In view of the difficulty of integrating the practice of the Spring offensive with individual firm bargaining, this state of affairs will perhaps give rise to closer co-ordination between employers. In France, the adoption of inter-industry agreements at national level has in fact corresponded to the desire to meet general claims, such as the demand for shorter working hours, by measures which are acceptable to the majority of firms affected. There is thus a prevailing twofold concern to keep claims within

certain limits and to propose general measures in order to reduce the danger of excesses or anarchical rises due to the heterogeneous nature of the employers' associations.

BARGAINING AT INDUSTRY LEVEL

Although some rapporteurs thought that bargaining at industry level had lost its importance in most countries, apart from the United States, it is nonetheless a fact that bargaining at this level still predominates in Germany, France and to some extent in the United Kingdom. In some other countries such as the United States and Japan, bargaining by industry appears to be gaining the upper hand in certain occupations. The employers' aim in adopting certain types of contractual policy such as bargaining at industry level is to prevent individual firms or small industries from being submerged in the negotiations. The results of bargaining at national industry level may be a guide for small firms when they decide to make changes, whether contractually or not, in wages or working conditions. But this system of negotiation does not eliminate the risk of small firms being submerged. Thus, a rapporteur said that in the United Kingdom the efficient operation of such a bargaining system first assumed an agreement at national level on objectives, on co-ordination and bargaining procedures at individual firm level and on the methods of interpreting and applying the agreements signed at national level. The same rapporteur observed that the wage increases negotiated at national level for the British engineering industry, which employs some 2 million workers, had been purely national at least in relation to current norms, and that firms themselves had to negotiate the real level of wages in the light of the recommendation made at national level that advances in productivity be taken into account. In France, a distinction was made by the "Union des industries metallurgiques et minières" (Metals and Mining Industries Association) between "perfect" agreements which must be applied direct in the firm without negotiation and the so-called "imperfect" agreements which can only be applied in firms after negotiation. The perfect agreement is therefore binding, at least in principle, and tends to encourage a high degree of real solidarity between employers. The desire to extend the field covered by collective agreements to the greatest possible number of workers is also a reason for bargaining at industry level and also at regional level. In France, "extensible" collective agreements must be negotiated by

recognised representative organisations in the trade concerned. Agreements of this type may be "extended" by Ministerial Order to all firms included in the field of application determined by the signatories. They are then binding on all firms, even those which do not belong to the signatory employers' associations. The State may also intervene when there is too wide a disparity between the contractual results obtained in different branches. This threat of intervention will evidently affect co-ordination among employers.

BARGAINING AT INDIVIDUAL FIRM LEVEL

The trend towards bargaining at individual firm level was stressed by a great many rapporteurs with regard to the national situations they were describing. However, there are many different reasons for increasing the importance of bargaining at this level. The first thing mentioned was that bargaining should be brought nearer to the place where the agreement will apply. The enterprise agreement could also permit specific adjustments and improvements to meet the firm's own situation. National bargaining, on the other hand, only provides all wage-earners and occupations with equality of treatment on the essential points. However, rapporteurs emphasized the possible dangers of bargaining at individual firm level. It was pointed out first of all in the case of Germany that with such a policy "collective wage agreements would be shorn of their social guarantees, the economic transparency of the different industrial branches or regional areas would be lost and individual firms would be exposed to unrestricted competition from their neighbours in the matter of recruitment". The responsibility of enterprise agreements in wage inflation was also noted: firms feel the cost of disputes all the more sharply when their capital ratio is high. In such circumstances, the managers of these firms are no doubt less prepared to resist demands for pay increases to the benefit of their less well-placed competitors. Of course, productivity improvement does at least partly justify such wage increases, but because of the fact of imitation, employees in lower-productivity firms will also claim the same benefits and this may give rise to an inflationary movement. However, it should be noted that in countries where bargaining at individual firm level was traditionally the rule, rates of inflation have been lower than those recorded in countries which had adopted more centralised bargaining. Lastly, in countries where bargaining

in the individual firm was not the tradition, the fear of worker control over the firm's administration has been responsible for preventing this type of negotiation. At the same time, a by no means negligible obstacle to collective bargaining at individual firm level may be the inadequate experience of the trade union representatives as negotiators.

A tendency was noted for individual firm unions to be mainly concerned with workshop problems and for responsibilities to be shared between these unions and those at branch or inter-industry level. The level of bargaining should depend essentially on the level of the subject matter; some rapporteurs felt that one of the first claims should be for participation at workshop level. This claim attunes with the idea that workers should have some influence over the decisions taken in the firm in which they work and even more specifically over their own work and immediate environment. It had been observed in any event that wildcat strikes often originated in disputes arising from the internal operation of the workshop. The question of participation was discussed at some length and it seemed that this was generally desired as a matter of principle since it could increase satisfaction on the job, make the worker a responsible member of the staff and thereby integrate him into the firm and into society. Moreover, maintenance of a high level of employment, inflationary conditions and competition between employers for skilled manpower will give workers at individual firm level great bargaining power. This power can be exercised officially through legally recognised institutions, but it can and is also exercised informally. This no doubt involves the re-organisation of firms, for example into autonomous working groups, accompanied by substantial changes in job design and in the definition of the role of foremen, also of staff representatives, and of the qualifications required of the senior staff or managers responsible for industrial relations and staff administration.

The example of Italy shows that bargaining at individual firm level (which the workers' unions regard in any case as an extension of bargaining by industry) in the semi-State enterprise sector has mainly concerned payment by results and job evaluation. In point of fact, the principle of trade union control of individual output could not be put into effect for lack of an adequate number of union staff to carry out this task. The

unions then changed their tactics and put the accent on negotiation of working conditions by the workers themselves, but events proved that it was not the trade unions which implemented this strategy. A spontaneous shop-steward movement developed. Thus, after a period of spontaneous activity, problems of communication are arising between the rank and file and union leaders, but also between the former and management, quite often because of the insufficient qualifications of the workers' delegates.

Furthermore, the risk of trade or enterprise corporatism is by no means small when bargaining is close to shop-floor level.

BARGAINING AT INTERNATIONAL LEVEL

Baragining at international level may take different forms, either through international industries or at the level of the multinational companies.

a) International bargaining

Although some rapporteurs pointed out that the action of the trade unions at international level was more verbal than real and that they confined themselves to declarations of principle but acted above all at national level and in some cases put international solidarity into the background, efforts had nonetheless been made at international level, especially in Europe, to promote collective bargaining. As soon as the European Economic Community came into being, the trade unions endeavoured to establish contact with the employers' associations. A "Central group of social partners for social harmonization" was set up in 1961 in application of Sections 117 and 118 of the Treaty of Rome. This Group had an advisory role and was to give an opinion on ways and means of achieving social harmonization and to prepare a programme of priorities for submission to the Commission of the European Economic Communities. Because of disagreement between the Council of Ministers and the Commission of the E.E.C., the Central group of social partners had to suspend its activities after having examined a number of problems including the protection of young people and women in employment, hours of work and certain wage problems. The failure of this Group must no doubt be attributed to its too heterogeneous composition, too ambitious programme of work and the fact that national Governments challenged its jurisdiction.

Direct contacts outside any institutional framework have taken place between employers' associations and workers' unions.

For example, the trade unions set up a committee in 1965 for the systematic circulation of information on collective bargaining and for the purpose of establishing an order of priority among the claims which affiliated organisations agreed to support in their national action. It has been estimated as a result that the improvement in holiday bonuses in Federal Germany or the reduction of working hours in Italy were at least partly due to implementation of certain points in the action programme at national level. Contacts between employers' associations and trade union organisations have resulted, in the field of employment, in the creation of a tripartite conference with the Council. A Standing Committee on employment was set up in November 1970 at European level. At the same time, joint advisory committees have been created for agriculture and transport and the negotiations have led to "a European agreement on the harmonization of the working hours of full-time farm workers employed in food production". This agreement is only a kind of recommendation but was regarded as a beginning to the process of harmonizing the working hours of farm workers. Again at European level, joint meetings have been held for the purposes of research and to compare the legislative measures and regulations in force in each of the E.E.C. countries, discussing such matters as weekly working hours fixed by agreement, overtime, etc., in the textiles industry at the instigation of the employers' associations. But it should be stressed that the purpose of these meetings was essentially economic and concerned topics such as tariff preferences. It was observed that some trade unions had made special efforts with a view to comparing the results of collective bargaining in the different countries. For instance, the automobile union has prepared an analytical matrix of 52 points concerning collective agreements in every country in the world with a view to preparing an integrated claims strategy for the various countries. All of these experiments are still very limited and a rapporteur referred to the experiment in Canada, where in spite of the exchange of information between trade unions and in spite of the fact that the unions were affiliated to international federations, there had been no increase in collective bargaining at international level over the frontier.

b) Bargaining in multinational companies

Participants at the Seminar regarded the multinational companies as above all constituting a potential factor for the

development of collective bargaining at international level. Various types of multinational company were distinguished according to their technology, capital structure and conglomerate nature. The multinational companies will raise different problems depending on their type in terms of management and behaviour. The trade unions have begun to take an interest in this new phenomenon because multinational firms develop very quickly and are very mobile so that they can invest in those countries where economic, fiscal or social conditions are most favourable. It has been estimated that in the 1980s two to three hundred multinational companies will completely dominate production in world trade and control 75 per cent of the assets of Western-world companies. The unions have also taken an interest in this phenomenon since they regard the multinational company as an under-cover means of exporting jobs into other countries. The trade unions have organised themselves to meet this development with a view to establishing full collective bargaining with the multinational companies. Thus, the circulation of information concerning such matters as the financial situation of these companies enables the unions to improve their collective bargaining position. At the same time, the unions have also resorted during the last few years to support for strikers through financial assistance or by freezing stocks in other branches not on strike in order to prevent supplies reaching the market or by using experienced union negotiators for discussions in certain branches. In some multinational companies, meetings have taken place at the highest level between management representatives and trade unionists belonging to the confederations of European trade unions. Meetings of this type have taken place with the Philips Company, where the management said it was prepared to inform the unions of any changes in production which might be made in its E.E.C. plants. Similarly, the management of the Fokker Company, the Germano-Dutch aeronautics firm, held meetings in 1970 with representatives of certain European metal-workers' unions to discuss the economic and social problems which arose at group level as a result of a merger.

The last stage in this movement towards multinational bargaining is illustrated by the example of the Saint Gobain Company, where collective bargaining was co-ordinated within the group in 1969 and resulted in the simultaneous negotiation of

agreements for the French, German, Italian and American subsidiaries. Agreements between the different trade unions included the undertaking not to engage in any negotiation in a country where a subsidiary was established without prior consultation and approval by a standing committee; financial support would be given in the event of a strike in any country; it was also stipulated that products should not be sent from one country to another in order to break or weaken a strike; lastly, it was proposed that overtime would be abolished in support of a long drawn-out strike. Agreements were signed between management and Unions in Germany, Italy and the United States in the various subsidiaries of the St. Gobain group.

Although the example of the Shell Company was the only one put forward at the Seminar in illustration of the trend in collective bargaining at multinational level, the author of the present report thought it useful to give other examples of collective bargaining in multinational companies. However, it should be noted that while some participants thought that preparations should be made for new types of bargaining at international level, others on the contrary thought that this prospect was still fairly distant.

In this connection, the example provided by the subsidiaries of a large American automobile firm may be variously interpreted. For many years, this company's subsidiaries located in almost every country in the world constantly refused to join any of the national employers' associations unless obliged to do so by law. This policy was in line with the dearest beliefs of the company's founder, which were shared by his descendants who still run the firm. All of the subsidiaries conducted collective bargaining at enterprise level, even in countries where it was customary to negotiate in an employers' association. This principle was dropped a few years ago in favour of greater flexibility in the collective bargaining policy of this group. The rapporteur quoting this example said that the unions in the various countries would have great difficulty in rapidly standardising the collective bargaining systems: he thought that the trade unions in countries in a good competitive position would be reluctant to accept the opinions of their colleagues in less-favoured countries which might reduce or eliminate their advantage. The classification used by Professor Perlmutter might perhaps be adopted in order to see

what bargaining strategies might be employed by the multinational companies(1). The first category consists of "ethnocentric" firms, i.e. those based on their own country and whose management are of the same nationality as the principal shareholders. Such firms are usually very centralised: collective bargaining should then be at this level.

The second category comprises "polycentric" companies, i.e. based on several different countries. In this case, greater decentralisation is the rule and collective bargaining may be established at the different levels of the subsidiaries subject to a certain measure of co-ordination.

Lastly, the third category consists of "geocentric" companies, which are very centralised. Collective bargaining might then be conducted at two different levels, i.e. at the level of each subsidiary and at multinational level. In the first case, the negotiations might cover working conditions and direct wages, while in the second case such matters as the employment problems arising as a result of the closing down of factories might be discussed. However, it should be noted that the latter problem was not mentioned during this Seminar.

1) Perlmutter: "Nations, trade unions and multinational companies" - Analyse et Prévision, Vol. IX, April 1970, No. 4, pp. 221-236.

Part III

THE SUBJECT MATTER OF COLLECTIVE BARGAINING

Depending on the industrial relations system prevailing, almost all matters relating to workers' rights and interests may be the subject of collective bargaining. This assertion should be qualified, however, since on the one hand fields may exist which are reserved for management decisions alone and, on the other, not all categories of wage-earners are affected by collective bargaining. For instance, in the United Kingdom, foremen were long excluded from the consultation procedure, whereas in France bargaining affects all categories of staff: manual workers, clerical staff, supervisory staff, engineers and managerial staff. The probable trend is that all categories will be increasingly covered by collective bargaining. All this depends on the aims which employers set themselves. One of the rapporteurs (Denise Report) distinguished the basic objectives that negotiators for management should keep uppermost during collective bargaining:

1. to confine cost increases to dimensions that will not impair the firm's ability to compete;
2. to evaluate all proposals in terms of both their short- and long-range implications to the enterprise;
3. to secure relationships of mutual confidence, respect and accommodation with employees and their unions and to assure that the jobs offered by the firm are good jobs that will attract and hold good people;
4. to seek with earnestness and ingenuity sound bases for avoiding prolonged interruptions to production;
5. to protect to the utmost the vital rights and flexibility that go to the heart of management's ability to manage. This means standing firm against attempted union encroachment on management functions.

Although some of these objectives were disputed by a few participants, the present author thinks that they can be used as a basis for a classification of the subject matter of collective bargaining as described during the present Seminar. The first category includes all clauses dealing with procedure, the period of validity of collective agreements (i.e. in fact, the industrial peace undertaking) and trade union rights, participation and information. The second category includes all clauses involving a financial cost for the firms such as wages, payment by the month (i.e. staff conditions), workers' capital formation, pensions, working conditions, hours of work, employment and vocational training.

CLAUSES OF FORM AND PROCEDURE

The non-economic aspects of collective bargaining include all the clauses concerning the period of validity of agreements, which often go hand in hand with an industrial peace undertaking for that period, as well as the recognised rights of the Unions and the dispute settlement and agreement renewal procedures.

a) Industrial peace clauses and period of validity of the collective agreement

One of the advantages of collective agreements most often mentioned during the Seminar is that they are a means of avoiding disputes and consequently losses for all social partners as well as for the community at large. It was noted that collective agreements were signed in order to obtain a certain guarantee of stability and to protect employers from bidding against each other for labour. It therefore seemed that the industrial peace clauses and those dealing with the period of validity of agreements were directly linked.

Collective agreements may be signed for periods which vary a great deal according to the economic and social environment and the objectives of the social partners. The period of validity may vary considerably in the same country from one industry to another. A discussion ensued on the advantages and disadvantages of contracts of fixed and indefinite duration. Some participants maintained that contracts of indefinite duration offered a greater guarantee of stability than contracts of fixed duration and based this on the argument that where a date is set for renewal, a crisis will almost certainly break out when the agreement expires. Contracts of unfixed duration had the

advantage of flexibility and adaptability to new conditions. This debate appears to be related to the concept of continuous bargaining, which is illustrated by the national inter-industry agreement on employment signed in France in February 1969, which provides for national industry commissions to be set up whose task is to study the employment situation, its trend in the industry concerned and existing training facilities, and also to examine the related mass redundancy and retraining problems. However, the only purpose of these commissions is to study the situation and exchange information. Again in France, a number of agreements, such as those of Electricité et Gaz de France, set up a joint commission in 1969 whose role is to observe the trend of the value of the parameters adopted for fixing the annual increase in total wages and determining the attribution of this rise. In the United Kingdom, the first productivity agreements had been signed for a fixed period, after negotiations which were regarded as long and difficult. The "second generation" productivity agreements had been the subject of a recommendation by the P.I.B. that productivity negotiations should not exclude continuous changes if these proved necessary. However, this example is not entirely convincing since the British productivity agreements were regarded by most participants as a strictly provisional stage in the development of collective bargaining in the United Kingdom. In some countries such as France, the distinction between fixed and indefinite duration is perhaps not very operational since, as was pointed out, even with one-year contracts the trade unions can always challenge the validity of the agreement. At the same time, pluri-trade union representation in France and the collective agreements legislation make it possible for certain unions not to sign agreements which will nonetheless apply to their members.

The situations described were extremely varied. On the one hand, there were countries like the United States whose rapporteur stated that the custom over the last few years was to negotiate three-year contracts: in spite of the instability of economic conditions, these still accounted for 56.5 per cent of all agreements signed. In Sweden, the period of validity of a contract was generally two years, although three-year periods had also been tried. In 1970, the confederation of Swedish employers (S.A.F.) and two organisations affiliated to the central organisation of salaried employees (T.C.O.) and one organisation

affiliated to the central organisation of professional associations (S.A.C.O.) signed a five-year agreement on general working conditions and wages. This agreement directly affects nearly 200,000 employees and supervisory staff. It is possible in some Swedish contracts to fix wage increases for the intervening years. In the case of Sweden, it was estimated that a long-term wages policy might boost profitability and restrict inflation. It is worth noting that although employers in the United States generally want to sign long-term collective agreements, the opinion is that agreements for three years and more cannot guarantee stability owing to the pressure exercised by the rank and file over their unions. In the case of Italy, it was observed that although the trade unions generally wanted long-term contracts, the workers' delegates did not regard themselves as tied by the provisions of the collective agreements when these had not been approved by the rank and file. In the United Kingdom, quite a number of wage agreements were now being concluded for a period of one year, but, as the rapporteur pointed out, in recent years a number of industries have concluded longer-term national agreements, generally for a period of three years, with some provision for increases in wage rates during that period (Swinden Report). In Japan, wages are discussed each year during what is known as the "Spring wage offensive".

The clauses concerning the period of validity of agreements are generally linked, at least in the minds of participants, with the preservation of industrial peace. Under the Industrial Relations Act in the United Kingdom, the violation of agreements is against the law and may give rise to legal proceedings. On the other side, the French situation illustrates a case of non-compliance with the industrial peace clauses forbidding strikes without notice. In Germany, the legislation obliges the parties to abstain from any action likely to amend or cancel the agreement during its period of validity.

It is difficult to discern a trend as regards the life of collective agreements in view of the variety of situations existing. At most, some countries appeared to want to predict and control the trend of employment in particular, and this has led to their adopting methods of improving reciprocal information and bargaining. At the same time, a few countries were endeavouring to lengthen the agreements' period of validity, adding the possibility of differentiating their life according to the subjects dealt with.

b) Procedure for the interpretation of agreements and the settlement of disputes

With a view to preserving industrial peace throughout the period of the agreement, the social partners may introduce procedures for settling any disputes that might arise from interpretation of its terms.

The distinction between conflicts of interest and conflicts of right is important in order to understand the grievance procedure which is normally an integral part of the collective agreement. We shall only speak here of the contractual procedure for settling disputes, but the State is fully prepared to impose compliance with provisions by legal methods and the labour courts are there to prove this. We refer the reader to the comments already made about the role of the State in clarification of this point.

In countries where collective agreements are binding contracts, the parties agree not to have recourse to lock-outs or strikes during an agreement's life except in special cases and undertake to accept arbitration if the dispute cannot be settled by contractual means. In certain countries such as Sweden, disputes arising during the agreement's period of validity are first dealt with contractually at individual firm level and then at the level of the workers' and employers' confederations. The last resort is the Labour Court, or in some cases the arbitration commissions appointed by the parties. In the United States, it was observed (Day Report) that the Unions agree to no-strike clauses in return for the assurance of arbitration. In France, it was observed "that French legislation does not make the preservation of industrial peace binding for the duration of collective agreements and does not provide for any effective penalties against the parties who break such an undertaking. The procedures laid down by the legislation for the settlement of collective industrial disputes appear to be much less effective than those in force in many other countries where recourse to labour courts or to conciliation or mediation bodies is more widespread and more readily accepted by the parties concerned". In Germany, disputes concerning the interpretation or application of agreements are settled by voluntary conciliation and arbitration procedures, recourse to the labour courts or the public authorities being possible only in the absence of contractual procedure.

New conciliation procedures should be worked out in order to avoid disputes which are always expensive for employers and the community as a whole.

c) Clauses on trade union rights

For some theoreticians of industrial relations, collective bargaining reaches much further than the simple discussion of material interests: it provides the workers with a set of rights which help to make them less dependent on the labour market. The trade unions are endowed with the recognised status of spokesmen and in some cases they alone are authorised to represent the workers. The legislation also often confirms this status.

It was noted that the clauses covered first the information given to the workers' representatives, as well as facilities for training trade union delegates.

It was observed that the collective agreements provided increasingly for the circulation of economic and financial information concerning the firm's situation, as well as forecasts of employment. For example, the German agreement applying to the metals and metal-working industry (1968) obliges the employer to inform the works council of the possible effects of rationalisation measures on employment and to study these effects. The national inter-trade agreement of February 1969 lays down that the management must inform and consult with the works council regarding the effects on employment of decisions taken concerning mergers, concentration or restructuring and that they must examine these effects together and consider the ways in which these forecasts work out in practice. In Norway, the management must send the works council a confidential report on the firm's financial situation, activities, changes in methods of work and plans for re-organising the plant. Such information may be required by law in certain countries such as France.

When not covered by the legislation, as is still the case in France under the 1968 Act on trade union delegates, facilities may be provided contractually for delegates to improve their trade union and economic training. Courses may be financed by the firm, which also credits hours to this end. A claim for such facilities has been made in Belgium and a number of other countries have followed suit, at least at individual firm level.

During the coming decade, many hours of bargaining will be devoted to the problem of the co-existence of trade unions and

works councils, i.e. to the opposition between the single-channel theory recommended by most unions and the multiple line preferred by the majority of employers.

The question of joint management and profit-sharing was also referred to during the Seminar. This problem not only concerns the definition of the respective responsibilities of the trade union and the works councils but also involves the principle of the employer's freedom to run his own business and therefore take his decisions quickly and explain them later if the general interest of the firm hangs in the balance. But it was considered that these matters were not directly related to the main theme of the Seminar and we shall not therefore discuss them any further here.

CLAUSES OF SUBSTANCE

Various subjects of bargaining were examined during the Seminar which we shall endeavour to group by major categories. The first category, which we shall call remuneration, includes matters related to wages, i.e. level, method of increasing (indexation clauses), forms of payment (payment by the month), workers' capital or savings formation and, lastly, pensions and sickness insurance schemes. The second category will include clauses relating to working conditions (job design, job evaluation). The third category covers the problems of working hours and holidays. Lastly, the fourth category concerns matters of employment and vocational training. We shall only consider here those subjects which were debated during the Seminar and are liable to change, indicating a future trend.

a) Remuneration

1. Wages

Wages are still the most important subject of bargaining, but certain trends may be observed in the ways in which the wages negotiated are increased. To begin with, the negotiations may concern minimum wages and not real wages. It was noted that "the continued existence of a sizeable gap between negotiated remuneration and actual earnings raises the question of the social function of wage agreements and the responsibility of the social partners" (Herzog Report). In France, the law on collective agreements provides that a national minimum industry wage shall be fixed for unskilled workers as well as scaled co-efficients

or minimum wages for the various skills. In the United Kingdom, it was noted that the national rate of pay fixed by agreement in an industry is regarded as a minimum and used as the basis for wage negotiations at individual firm level. The minimum fixed at national or branch level seems therefore to be accompanied by the determination of real wages at individual firm level, as is the case in many countries.

In some countries, the unions have put the accent on raising low wages. Efforts have been made to eliminate excessive disparities, as in Sweden, where agreements between the Confederation of Swedish Employers (S.A.F.) and the Confederation of Trade Unions (L.O.) provide for surveys to be carried out in each industry to ascertain the number of workers whose average earnings are below a specified amount. Then a fund is constituted consisting of half the difference between this amount and the average earnings of the workers concerned. It was noted (Lindstrom Report) that the distribution of this supplement had caused tremendous difficulties. An alternative in this country is disbursement by industry or enterprise from a given fund to the lower paid. A difficulty mentioned concerned the need to distribute the supplement in a way which would not disrupt the existing wage system. The results of these efforts to eliminate low wages have not been regarded as decisive in Sweden. The same applies to Germany, where it was noted that increased differentiation between real wages is reflected in a rising movement. This appears to illustrate the idea that bargaining mainly profits the strong, even when claims are intended to improve the lot of the poorer workers, since it may result in a concertina movement in the wage scale over the course of time.

Guaranteed purchasing power is one of the trade unions' principal claims. This guarantee may be obtained by retroactive increases but is generally requested through the indexation clauses. Retroactive wage increases are often the rule in certain countries: they have been very large in the United States (7.8 per cent in 1971 and 5.6 per cent in 1970). However, purchasing power is generally preserved through the clauses indexing wages to the cost of living. Sliding-scale clauses have long been accepted in Belgium; a general revival in cost-of-living indexation clauses was noted in the United States in 1971; in France, this type of clause appears in many collective agreements, although it is prohibited by the legislation. In some

countries, there are even clauses which provide for an increase in purchasing power. In France, contracts have been signed in certain large State enterprises such as Electricité et Gaz de France where a guaranteed increase in purchasing power of 2.5 per cent is laid down for 1971. There are even "safeguard" clauses under which negotiations may be re-opened should the rise in prices prove greater than foreseen. Some authors even pointed out that the tendency to reduce the life of agreements stemmed from the same intention(1). Participants at the Seminar disagreed concerning the possible consequences of the indexation clauses. Some thought that they contributed towards industrial peace by setting up a system of guarantees against rises in the cost of living, while others argued that the clauses contributed towards inflation. One rapporteur suggested the possibility of linking the problem of indexation with that of employee savings and capital formation schemes (de Vries Report). However, it was generally conceded at this Seminar that the value of indexation clauses was debatable.

2. Clauses on staff status for manual workers

Raising the status of manual workers to that of monthly paid staff solves, at least in part, the problem of the integration of blue with white-collar workers, but according to some rapporteurs also raises other problems concerning the status of clerical staff.

Some countries seemed to be very advanced in this field, such as France, where the public authorities have persuaded the social partners to sign an agreement at national inter-industry level, as well as national collective agreements at industry level. The oil and chemicals industries would appear to be those where payment by the month had made most progress: in France, there is complete harmonization between the status of manual workers and salaried employees in the chemicals industry; similarly, an agreement signed in the Swiss chemicals industry provides for payment by the month for all skilled workers as from 1972; the same is true of the Netherlands, where integration has been the subject of many contractual arrangements. In a number of other countries, such as Sweden, the working conditions

1) Yves DELAMOTTE "The change in collective bargaining - the new objectives", Report presented at the Semaine de Bruges, Collège d'Europe, 1971.

of manual and non-manual workers are being gradually equalised through both contractual and legal channels. The award of an additional pension to manual workers in order to bring their incomes into line with those of clerical staff was one of the clauses most discussed during the 1971 negotiations in the private sector. In Germany too, manual workers may enjoy special benefits when they receive the title of senior worker or employee of honour, which gives them the same rights as white-collar workers, and payment by the month has been practised in the public sector since 1st October, 1970 but these are two different phenonoma: payment by the month according to merit depends on the individual, while payment by the month as generally understood in the negotiations is collective and concerns all manual workers without distinction. In Italy, some agreements provide for the payment of additional allowances by the employer to make up the full wage.

The cost of these various monthly-payment measures, especially in terms of absenteeism, has been estimated, in the case of France only, at between 2 and 15 per cent. It was observed, however, that the integration of blue-with white-collar workers could create certain problems on the part of the latter, who might see the erosion of their status differentials as a case of proletarianisation entailing the obligation to join the trade unions en masse. Some rapporteurs suggested that employers should be imaginative when tackling the problem of clerical staff and make such gestures as allowing them greater participation in management while preparing a general plan in this respect for discussion with the Unions.

3. Workers' savings and capital formation

It was estimated at the Seminar that before the middle 1960s there were very few clauses on this subject in the collective agreements. However, in France, the legislation on participation gave firms the choice of signing agreements concerning forms of workers' savings ranging from the allocation of shares to the establishment of "frozen" savings certificates. In Germany, the collective agreement in the building industry adopted the Leber Plan according to which if a worker decides to save DM. 0.20 of his wages, the employer is obliged to add a further DM. 0.70. The total amount may be put in a form of savings chosen by the wage-earner. It should be noted that the

Leber Plan has not had much success and was turned down by the trade unions themselves in the chemicals and metals industries. The employers' associations have opted for a formula providing for an annual investment wage of DM. 312 to 624 where the employee is free to choose any investment he wishes. In 1965, 1.4 million workers were receiving a negotiated investment wage and by the end of 1970 their number had risen to 9 million (Herzog Report). In Japan, this subject is rarely covered in the bargaining, but the Government recommends that workers become house-owners. In Italy (Zangari Report), there has been no significant venture in the field of workers' savings. It should also be noted that in France worker participation in the benefits of firms' growth under the 1967 Order has yielded few results, as the amounts to be distributed to the workers are calculated on the basis of taxable profits and generally only come to 1 or 2 per cent of average annual wages. But in some firms the figure may be as much as 12 per cent. It was also noted that there was no possibility of discussing the amount of the bonus but only the way in which workers may benefit from its distribution such as through a current account in the firm, shares, or investments elsewhere. Participants noted, however, that this issue would without a doubt be the subject of negotiations in the future in a great many countries. It was observed that one advantage of this formula lay in the fact that it gave workers a greater interest in the life of the firm and hence enabled them to acquire a certain training. This was why some rapporteurs were against the idea of funds set up outside the firm to receive workers' savings and in which they had shares. This would have the disadvantage of forming an additional neutral institution which did not involve workers directly and which could also obtain such economic and financial power that government intervention or even control might be necessitated.

4. Clauses concerning certain social security aspects

These clauses could include pensions and retirement schemes, as well as sickness benefit and invalidity compensation schemes.

In spite of the considerable progress made over the last ten years, the pensions paid by the social security scheme did not yet constitute a "subsistence" income for certain categories of wage-earners in some countries. Supplementary retirement

schemes had therefore been set up in many countries. It was noted that in Europe the trade unions were asking for pensions equivalent to 75 per cent of the last wage received indexed to rises in the cost of living. In some countries, this benefit had already been extended to civil servants. It was certain that the operation of supplementary retirement schemes entailed problems of liaison with the general social security scheme. For some rapporteurs, this problem should be solved by combining the two schemes. This would settle the problem of the transferability of pension rights which was still very acute in countries such as the United States. It would thus facilitate the mobility of staff between firms and even between the civil service and the private sector. Other Union claims concerned the gradual reduction of retirement age, which according to the alternatives considered by participants at the Seminar might be either a fixed age as was the case in France (65 or in some industries 60) or a fixed length of service whereby workers could retire at different ages and generally earlier than in the past. The de Vries Report referred to the new General Motors collective agreement providing for retirement after 30 years of work with a pension of $500 per month. In Germany, retirement age was left to the choice of individuals within a certain bracket of between 63 and 67 years in the first stage, to be reduced subsequently to 60. In other countries such as Austria, it was observed that pensions amounted to 80 per cent of the last wage and that retirement age was 60 for men and 55 for women, with a minimum of 35 years' contribution. This claim was regarded as very important for collective bargaining in view of a recent survey in Germany, in particular, which showed that workers attached more importance to the reduction of retirement age than to fewer working hours or longer annual holidays.

Other Social Security problems might arise in collective bargaining, such as sickness insurance. Some participants recommended that these problems should be solved by improving the existing Social Security scheme rather than through agreements resulting from collective bargaining. The reason mentioned was that sickness and invalidity affected both workers in industry and other citizens, and in view of the rising standard of living employees could have recourse to the facilities available to the public at large and help themselves. The example of the United States was mentioned in this respect: workers had put in a claim

for a national life assurance scheme, which according to some estimates would make an annual cost of at least $300 per employee. According to the plan proposed by the Administration to be applied as from 1st July, 1973, employers would initially carry 65 per cent of the cost for the first two years and 75 per cent subsequently.

b) Methods of work

It was agreed in the course of discussion that work organisation and job design were two of the main managerial functions. Although the senior staff of firms were usually consulted regarding the organisation of their work, this was not always the case for manual workers, among other reasons because of intervention by the Unions: "assuming that the trade union is not anti-private enterprise and that a degree of mutual trust prevails between the management and the hierarchy of supervision, on the one hand, and the unionised employees and the union leaders, on the other, it should be possible for management and the union to agree on a broad plan for changes in work organisation" (de Vries Report). Reference was also made to experiments in certain multinational firms like those belonging to the Royal Dutch Shell Group. In the latter case, it was recommended that while at collective bargaining time changes are assessed as to their implications for job rates and other bargainable aspects, the unions should leave well alone during the process of experiment and change.

This subject of bargaining appears to meet workers' strongly expressed desires to design jobs, weed out useless tasks, improve security and eliminate the more obvious disadvantages. In some countries, their claim is for the reform of all working conditions, if not the actual organisation of work in the firm. In the extreme case, this claim takes the form of a refusal to translate into monetary terms the deterioration of working conditions due to technological change and sometimes even covers such matters as environmental conditions, daily journeys and housing. Thus, all the subjects which had so far been covered by monetary clauses giving the right to bonuses (for risky, arduous, dirty and dangerous work, etc.) are now under fire from the claim for the elimination of the causes of arduous or dangerous working conditions. It was agreed that bargaining and job design relative to these issues could only be

at workshop or at most individual firm level. This then raises the problem of worker participation in changes in working conditions. The experiments carried out by Thorsrud in Norway were mentioned in this respect, together with the theories of Herzberg and Davis concerning job enrichment.

c) Hours of work

The subject matter of collective bargaining appears to have changed as regards working hours. In fact, not only does it include daily and weekly working hours but also holidays. It was stated at the Seminar that the 40-hour week would soon become the rule in most industrialised countries. About 100 American companies had already adopted a four-day week and a city in Canada was quoted which even had a three-day week. It was emphasized, however, that the problem of the reduction of working hours should not be studied in isolation. For instance, in industries where round-the-clock work had been adopted because the large amount of capital invested necessitated continuous operation, problems would arise for certain categories of staff such as those on shift-work. It was observed that the solutions adopted for the problem of working hours should be selective and take account of the varying needs of the different categories of staff and different industries, and it was considered that they would entail an increase in female labour. Similarly, new solutions would be found through collective bargaining for the demand for greater flexibility in working hours which was due to people's widely expressed desires to take responsibility for the consequences of their own acts: workers could thus be liberated from the traditional working hours with their concomitant control measures. So far, this issue seemed to be a subject for bargaining at workshop or individual firm level and not any higher. Some rapporteurs thought that it was the people directly concerned who should help solve this problem and not the trade unions, so that workers really had the feeling that they were participating. Certain rapporteurs suggested that this matter was the responsibility of the works councils, on which the unions were sufficiently well represented to be informed of the course of discussion. The question of the greater flexibility of working hours should therefore be left out of collective bargaining as understood in the traditional sense.

Relatively little mention was made during the Seminar of holidays. It was merely noted that in Germany the practice was

now growing of leisure carrying a higher remuneration than work, since "in addition to the usual holiday payment in lieu of wages, a holiday allowance is made (in the metals industry, 30 per cent of the holiday payment)" (Herzog Report).

d) Guarantee of employment and vocational training

Firms have been obliged to undergo profound changes in the form of conversion and merger operations because of faster technological progress, the imperatives of international competition and the need to ensure continuous growth. This has entailed greater labour mobility and attracted attention to employment guarantee clauses. These clauses first reflected a static concept of employment guarantee either in the form of protection against dismissal or compensation for loss of job. But a more dynamic concept of employment protection appears to be emerging which lays stress on vocational training as a means of getting the worker an income throughout his active life.

The clauses concerning security of employment first emphasized the protection of workers individually through notice of dismissal and compensation. The German Agreements on protection against rationalisation measures and the French Agreements on employment decided that employers should associate staff representatives with studies on the effects of rationalisation in the case of Germany or on mergers, concentration or restructuring in the case of France. The role of the works councils was thus asserted. When redundancy seems inevitable, compensation must be paid, which in Germany depends on age and seniority. In France, the agreements prescribed that there should be an interval between the date when the works council is informed and the date on which the redundancy decision becomes final, in order to permit any retraining. The collective agreements in France are obliged to prescribe the amount of compensation to be paid to redundant workers, and an unemployment insurance scheme has been set up contractually between employers and the workers' confederations to provide compensation for partial unemployment. The measures concerning the protection of employment may also be discussed at macro-economic level, and active manpower policies have evolved in certain countries such as Sweden, where thanks to improvements in forecasting, planning and information methods and in the organisation of the employment services it has been possible to envisage the systematic transfer of workers from one

job to another. In countries such as Japan, the problem of security of employment has been solved by adopting the principle of lifelong employment. But this has only been practised in large Japanese firms. The British productivity agreements have also included clauses concerning the protection of employment. It was noted that in order to reduce the number of staff employed to a level compatible with satisfactory productivity, firms allowed the reduction to take place through normal departures rather than through dismissals.

A more dynamic concept of security of employment has made its appearance through the introduction of agreements on vocational training which not only ensure security of employment but also guarantee the worker's income throughout his active life. Countries like France have first provided opportunities for adaptation through training courses for workers laid off. Thus, workers affected by mass redundancy are entitled to a period of training of up to one year during which they are paid on a full-time basis by means of allowances from a joint national unemployment insurance institution (Unedic), while the inter-industry agreement of 9th July, 1970, supplemented by the Act of 16th July, 1971, provides that in certain circumstances workers are entitled to leave of absence for training. This is the first time that a country has recognised the need at such a high level for permanent training and continuous occupational adaptation.

CONCLUSION AND SUMMARY

All participants at the Seminar agreed that collective bargaining was the only democratic means of fixing the terms of employment and settling collective disputes between employers and workers in a society. But although opinions were almost unanimous on this point, they differed a great deal concerning the possibility of comparing the trend of collective bargaining from one country to another. Later on, it was even claimed that each national industrial relations system was unique and that their special characteristics were too different to permit either comparisons or general forecasts.

It should be noted, however, that some participants were able to point to a crisis in industrial relations in democratic societies and observe that, either through lack of time or deliberately, insufficient interest had been shown during the Seminar in considering the alternatives to collective bargaining. It was even stated that too much dogma had been formulated during the discussions and that certain statements had not been sufficiently rational. There had been some reticence and it had not therefore been possible to consider whether collective bargaining was the only answer to the challenges facing the industrial relations system at the present time. Certainly, a lack of confidence in collective bargaining had begun to emerge in certain statements. The principle was very generally agreed that collective bargaining should remain free within certain limits regarded as implicit. It was also observed that the situation in the developing countries was not so different as appeared at first sight and that very similar language had been used when examining the situation of countries such as India or Ceylon.

However, the raison d'être of this Seminar lay in the necessity to explain the changes observed and to see what extrapolations were possible in the short term on the basis of events noted in the recent past.

Factors explaining the changes

Participants at the Seminar generally agreed that instead of speaking of a crisis in industrial relations, it was more a matter of alterations or changes and that the convulsive movements observed currently in a great many countries were due to imperfections in the systems subjected to these changes. Technological progress was noted as one of the factors explaining the changes in industrial relations systems since it obliged firms to adopt tactics, structures and managerial instruments which enabled them to leave the minimum to chance. The rise in the capital coefficient of firms induced them to use labour more efficiently and as far as possible to adopt policies to reduce uncertainty in this field. At the same time, increased competition on the national market due to lower customs barriers and of course greater competition on the international market made this necessity to master developments in the field of wages even more evident. Among the workers too, this desire for security and to master uncertainty was becoming stronger because of the rising standard of living which paved the way for new needs to emerge. Improvements in communications gave greater transparency to the international labour market and to the working conditions practised in a number of countries. Attitudes were changing and aspirations emerging such as the desire for participation, which to some extent encouraged consultation. The concern for social justice also explained certain attitudes revealed in collective bargaining and in society in general.

Changes observed and foreseeable trends

All the factors mentioned above may explain, in part at least, the changes observed not only in society as a whole but also in the industrial relations systems in various countries. Thus, the widespread adoption of Social Security schemes and the growing desire for full employment, involving increased State intervention in economic and social life, stem from the general desire for security. The growth policy adopted by most governments, together with their anti-inflationary policies, reflect the same concern. At individual firm level, changes in managerial functions and in management methods are part of the same concern to apply to a field where developments have so far been haphazard the rational conduct which has proved its worth in other scientific fields. In the industrial relations systems,

the desire to master developments is reflected in the constant concern for collective pacification, which at least in some countries has given rise to types of collective bargaining that do not allow sufficiently for the desire for participation. This is why in some countries collective agreements are no longer a kind of truce between employers and wage-earners which assumes that the social partners will from time to time try out their respective strengths. Bargaining is thus a continuing process backed up by all the informal negotiations carried out in the various organisations. As opposed to this trend in countries such as France and Italy, it was observed that collective bargaining should be assimilated to a contract in which industrial peace is guaranteed for a particular space of time in return for economic compensation and rights for the workers. Collective bargaining is then a process of creating rules and norms, but it is not the only means of doing so.

The State, for its part, is by no means uninterested in the process of collective bargaining and intervenes in several capacities in all countries. It establishes an effective legal framework for collective bargaining; it intervenes in the process of collective bargaining formally or unofficially; it undertakes macro-economic action in order to obtain harmonized growth; lastly, its role as employer makes it take a direct part in collective bargaining. The State's role in collective bargaining is increasing in most countries covered by the reports and discussion at the Seminar. In spite of some reticence, the State is regarded as a social partner in the industrial relations system on the same footing as employers and workers. State action can benefit one or the other of the social partners according to the occasion and should therefore be taken into account when the employers' and unions' strategies and role are being defined.

In view of the trends in industrial relations, the role of employers in their own firms and in their associations should evolve. Changes in firms' management methods should be followed by the appearance of particularly well-trained senior staff, qualified to deal with industrial relations problems. Closer liaison should be established between firms' managements and the employers' associations. In a number of countries, these associations should gain in strength in the near future, all the better to assume the role devolving on them as a result of the changing structure of bargaining.

The extension of trade unionism to new strata of employees such as clerical staff and in some countries senior staff, and the increasing technicality of collective bargaining, with meetings of management and trade union experts, involve closer attention being paid to the problems of the trade unions' responsibility, authority and internal organisation. The situations of conflict which the trade unions are beginning to experience with their rank and file strengthen the idea that worker representation should not be single but multiple. Works councils should play a by no means negligible role in the future towards establishing harmonious industrial relations in firms. The idea of worker participation in establishments or firms was regarded by participants at the Seminar as one of the points calling for attention in the near future.

The structure of collective bargaining will probably also raise special problems of articulation between the various levels of negotiation. The contradiction of national collective bargaining opposed in some cases to the existence of multinational companies practising their own policy is also regarded as a problem calling for an urgent solution. The various country situations described do not indicate any tendency in favour of the respective advantages of centralised or decentralised bargaining.

Finally, it seems that collective bargaining should cover an increasingly broad field, to include subjects that have so far been the sole responsibility of firm's managements. Some subjects should take a larger place in the negotiations, such as workers' savings, guaranteed purchasing power linked with payment by the month and in some cases sliding-scale clauses, employment guarantee, hours of work, job design, etc. However, certain subjects were not considered to be a matter for collective bargaining but for State action: for instance, some rapporteurs felt that pensions and retirement schemes should be included in the Social Security schemes.

Lastly, it was felt at this Seminar that industrial peace clauses should appear in collective agreements in order to guarantee harmonious and fair industrial relations.

A number of recommendations were made during the Seminar with a view to promoting a dynamic attitude by the employers.

Thus, it was stressed that employers should reflect on the philosophy which should underlie their action in future collective bargaining. Similarly, the goals of collective bargaining and its machinery should be given some further thought by employers. Effective collective action might thus be worked out to replace the too frequently defensive tactics often followed so far by employers. Studies should be carried out on the role of trade unions in the works councils, the articulation of the various levels of collective bargaining and the effects this has on their efficiency, and also on the role of the employers' associations and the liaison which these associations should maintain with firm's managements. In firms themselves, forward-looking staff policies should be prepared which fit in broadly with the firms' aims and general strategy. To this end, more active attention should be paid to the general training of personnel managers and to their industrial relations training in particular. Employers' associations should be strengthened at international level to help circulate the necessary information. The public should be helped to know more about the employers' role through suitable publicity campaigns.

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